

City of Las Vegas

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: OCTOBER 11, 2007

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: VAR-24258 – APPLICANT/OWNER: RANCHO DRIVE, LLC

**** CONDITIONS ****

STAFF RECOMMENDATION: APPROVAL, subject to:

Planning and Development

1. This approval shall be void two years from the date of final approval, unless a certificate of occupancy has been issued or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.

VAR-24258 - Staff Report Page One
October 11, 2007 - Planning Commission Meeting

**** STAFF REPORT ****

PROJECT DESCRIPTION

This application is a request for a Variance to allow a proposed Accessory Structure, Class II (garage) to exceed the height and size of the primary structure located on 45.91 acres at 5050 North Rainbow Boulevard. The proposed 2,232 square foot structure will be utilized as an eight-car garage that has a covered arcade that extends towards a series of previously approved structures. In addition to of the structure is a proposed 33-foot tall bell tower that exceeds the 17.33-foot height of the primary structure.

As this proposal does not adversely affect the neighboring residential properties and is not visible from the public right of way, staff has no objection to the approval of this Variance request.

BACKGROUND INFORMATION

| <i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i> | |
|---|--|
| 09/03/80 | The City Council denied a request for a Rezoning (Z-38-80) from R-E (Residence Estates) and C-2 (General Commercial) to C-2 (General Commercial) on property at this location. The Planning Commission and staff recommended denial. |
| 03/27/86 | The City Council approved a Variance (V-29-86) to allow an accessory building and the keeping of horses with out a main dwelling on property at this location. |
| 05/09/02 | The Planning Commission approved a Variance (V-18-02) to allow an addition to an existing single family residence to be 40-feet in height and three stories tall where the maximum allowed is 35-feet in height and two-stories tall on property at this location. Staff recommended denial. |
| 08/24/06 | The Planning Commission approved a Variance (VAR-15051) and a Special Use Permit (SUP-15050) for the proposed addition of three habitable accessory structures and one non-habitable accessory structure. |
| <i>Related Building Permits/Business Licenses</i> | |
| 3/20/95 | Plans Check #M-0875-94 to upgrade structure to code approved. |
| 9/16/95 | Plans Check #M-3948-94 for two steel storage buildings expired. |
| 9/21/04 | Plans Check #M-6351-04 Plans approved for a pool cabana. |
| 7/24/07 | Plans Check #R-0050-06: Plans approved for a Casita (per VAR-16531 and SUP-15051) |
| 5/29/07 | OTC Building Permit #90587: permit issued for storage building awaiting Final inspection. |
| 8/02/07 | OTC Building Permit #95225: permit submitted for an eight-car garage. Final review pending approval of this Variance request (VAR-24258) |

VAR-24258 - Staff Report Page Two
October 11, 2007 - Planning Commission Meeting

| <i>Pre-Application Meeting</i> | |
|---------------------------------------|---|
| 8/22/07 | A pre-application meeting was held and elements of this project were discussed in regards to the height and size requirements for the accessory structure (garage). |

| <i>Neighborhood Meeting</i> |
|--|
| A neighborhood meeting was not required, nor was one held. |

| <i>Details of Application Request</i> | |
|--|-------|
| <i>Site Area</i> | |
| Net Acres | 45.91 |

| Surrounding Property | Existing Land Use | Planned Land Use | Existing Zoning |
|-----------------------------|---------------------------------------|--|---|
| Subject Property | Single Family Residential | SC (Service Commercial) O (Office) L (Low Density Residential) | R-E (Residence Estates) |
| North | Single Family Residential Undeveloped | L (Low Density Residential) | R-PD2 (Residential Planned Development- Two Units per Acre) |
| South | Single Family Residential Undeveloped | SC (Service Commercial) L (Low Density Residential) | C-1 (Limited Commercial) R-1 (Single Family Residential) |
| East | Undeveloped | L (Low Density Residential) | R-E (Residence Estates) under Resolution of Intent to R-1 (Single Family Residential) |
| West | Undeveloped Commercial | GC (General Commercial) | C-2 (General Commercial) |

| <i>Special Districts/Zones</i> | <i>Yes</i> | <i>No</i> | <i>Compliance</i> |
|---|-------------------|------------------|--------------------------|
| Special Area Plan | | X | NA |
| <i>Special Districts/Zones</i> | <i>Yes</i> | <i>No</i> | <i>Compliance</i> |
| Special Purpose and Overlay Districts | X | | |
| A-O Airport Overlay District – 200 Feet | X | | Y |
| Trails | X | | Y |
| Rural Preservation Overlay District | | X | Y |
| Development Impact Notification Assessment | | X | Y |
| Project of Regional Significance | | X | Y |

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VAR-24258 - Staff Report Page Three
October 11, 2007 - Planning Commission Meeting

- A-O Airport Overlay District – 200 Feet**

Although the applicant is seeking a Variance to allow the accessory structure's total height to exceed the height of the primary structure, staff finds that the 33-foot tall bell tower will not have an adverse affect on the 200-foot height restriction in place.

- Trails – Multi-Use Transportation**

The proposed accessory structure will not adversely affect the established Multi-Use Transportation Trail that has been constructed and/or dedicated adjacent to the front of the property along Rainbow Boulevard.

Per Title 19.08.040, the following standards apply for a Non-Habitable Accessory Structure:

| Standards | Required | Provided | Compliance |
|---------------------------------------|--|-----------------|-------------------|
| Min. Lot Size | 20,000 SF | 1,978,351 SF | Y |
| Min. Lot Width | 100 Feet | 1,130 Feet | Y |
| Min. Setbacks for Accessory Structure | | | |
| • Primary Structure | 6 Feet | 28 feet | Y |
| • Side Property Line | 3 Feet | 435 feet | Y |
| • Rear Property Line | 3 Feet | 1,135 feet | Y |
| Max. Building Height | 17.33 Feet | 33 Feet* | N |
| Square-Footage | Not to exceed 50 % of the floor area of the main dwelling 1,077 SF (The main dwelling is 2,154 SF) | 2,231 SF | N |

**The peak of this structure stems from a proposed bell tower. As the property is residentially zone and not a religious use, there is not an exemption for the tower. The overall height of the garage itself is 19 feet measured at grade.*

ANALYSIS

Per Title 19.08.040, Non-Habitable Accessory Structures (Class II) may not exceed the height or 50% of the size of the primary structure. However, due to the size of the subject property and the scale of the proposed eight-car garage, this proposal is not out of character with the ongoing development on site. The site has been developed tastefully in a campus-like setting which is the reason for the multiple structures. The 45-acre site is well landscaped and has more than adequate buffering from adjacent properties. Approval of this proposal is recommended as the proposed project will not negatively affect the surrounding properties.

VAR-24258 - Staff Report Page Four
October 11, 2007 - Planning Commission Meeting

FINDINGS

In accordance with the provisions of Title 19.18.070(B), Planning Commission and City Council, in considering the merits of a Variance request, shall not grant a Variance in order to:

1. Permit a use in a zoning district in which the use is not allowed;
2. Vary any minimum spacing requirement between uses;
3. Relieve a hardship which is solely personal, self-created or financial in nature.”

Additionally, Title 19.18.070L states:

“Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property, a variance from that strict application may be granted so as to relieve the difficulties or hardship, if the relief may be granted without substantial detriment to the public good, without substantial impairment of affected natural resources and without substantially impairing the intent and purpose of any ordinance or resolution.”

The design and location of this proposed eight-car garage has demonstrated that there is no substantial detriment to the neighboring protected properties as the subject site is of substantial size and with abundant mature landscaping that the structure is not visible off-site. Staff finds that relief from the strict application of the height and size standard for a Non-Habitable Accessory Structure, as listed in Title 19.08.040, may be granted as the proposed structure is in context with the campus-like design of this unique property. Therefore, approval of this Variance is recommended.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

7

ASSEMBLY DISTRICT 1

SENATE DISTRICT 6

VAR-24258 - Staff Report Page Five
October 11, 2007 - Planning Commission Meeting

NOTICES MAILED 647

APPROVALS 1

PROTESTS 3